

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2909 OF 2004

Bait-Ul-Saba Ekta Co-operative
Housing Society Ltd.....).PETITIONERS

Versus

Municipal Corporation for Greater
Bombay.....).RESPONDENT

Mr.S.K. Sthalekar, for the Petitioner
Mrs. A.R. Joshi, for the Respondents.

CORAM: F.I. REBELLO J.
DATE : 6th December, 2004

P.C.:

. Rule. Heard forthwith.

2. The petitioner by the present petition challenges the order of attachment issued by the respondents. That order came to be passed on failure by the petitioner herein to pay the taxes which were duly assessed. The ratable value has been fixed by the respondents and that has not been challenged by the petitioners herein. The petitioners do have a remedy even if now belated to prefer an Appeal.

3. On instructions learned Counsel for the petitioners states that they will prefer an Appeal. The only prayer is if the Appeal is preferred the delay in preferring the Appeal should not be contested by the respondents herein. On behalf of the respondents learned Counsel contends that if the Appeal is preferred within eight weeks from today the respondents would not contest the point of limitation in the Appeal, which

then will be heard according to law. In the meantime until filing of the Appeal and orders obtained from the Competent Authority the order of attachment not to be given effect to for a period of 12 weeks from today.

4. Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)